

1 STEIN & LUBIN LLP
2 Julie L. Fieber (SBN 202857)
3 E-Mail: jfieber@steinlubin.com
4 600 Montgomery Street, 14th Floor
5 San Francisco, CA 94111
6 Telephone: (415) 981-0550
7 Facsimile: (415) 981-4343

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9 Attorneys for Plaintiff
10 VERITAS-B MEZZ B7, LLC AS SUCCESSOR-IN-
11 INTEREST TO CAPITAL TRUST, INC.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

VERITAS-B MEZZ B7, LLC AS
SUCCESSOR-IN-INTEREST TO CAPITAL
TRUST, INC.,

Plaintiff,

v.

WALTER R. LEMBI, individually and as
trustee of the WALTER AND LINDA LEMBI
FAMILY TRUST DATED JUNE 30, 2004;
FRANK E. LEMBI, individually and as trustee
of the OLGA LEMBI RESIDUAL TRUST
CREATED UNDER THE PROVISIONS OF
PART THREE OF THE LEMBI FAMILY
REVOCABLE TRUST DATED FEBRUARY
17, 1984, and as the trustee of the FRANK E.
LEMBI'S TRUST DATED FEBRUARY 17,
1984; BILLIE SALEVOURIS, individually;
BILLIE Z. SALEVOURIS, as trustee for THE
BILLIE SALEVOURIS TRUST DATED
AUGUST 23, 1983 AS RESTATED ON MAY
24, 2002; DAVID M. RAYNAL, individually
and as trustee for the DAVID M. RAYNAL
REVOCABLE TRUST DATED MAY 9,
2002; RALPH DAYAN, individually and as
co-trustee for the AMENDED AND
RESTATED DAYAN FAMILY
REVOCABLE TRUST DATED DECEMBER
31, 1991,

Defendants.

Case No. C 09-02492 JSW

**STIPULATION AND [PROPOSED]
ORDER REGARDING VOLUNTARY
DISMISSAL WITH PREJUDICE
[F.R.C.P. 41(a)]**

1 **STIPULATION OF VOLUNTARY DISMISSAL WITH PREJUDICE**

2 In accordance with Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff,
3 Veritas-B Mezz B7, LLC as Successor-in-Interest to Capital Trust, Inc., by and through its
4 undersigned counsel, does hereby stipulate and agree to a voluntary dismissal with prejudice of
5 all claims asserted against Defendants in the above-styled action. Each party agrees to bear their
6 own attorneys' fees and costs.

7 STEIN & LUBIN LLP

8 Dated: September 30, 2011

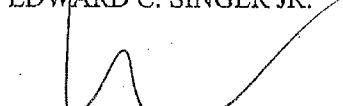
9 By:

10 
Julie L. Fieber
Attorneys for Veritas-B Mezz B7, LLC, as Successor-In-Interest to Plaintiff Capital Trust, Inc.

11 Dated: September 27, 2011

12 EDWARD C. SINGER JR.

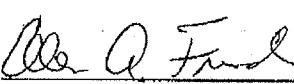
13 By:

14 
Edward C. Singer Jr.
Attorneys for Defendants
WALTER R. LEMBI, individually and as trustee of the
WALTER AND LINDA LEMBI FAMILY TRUST
DATED JUNE 30, 2004 and FRANK E. LEMBI,
individually and as trustee of the OLGA LEMBI
RESIDUAL TRUST CREATED UNDER THE
PROVISION OF PART THREE OF THE LEMBI
FAMILY REVOCABLE TRUST DATED FEBRUARY
17, 1984 and as the trustee of the FRANK E. LEMBI
SURVIVOR'S TRUST DATED FEBRUARY 17, 1984

15 Dated: September 27, 2011

16 FRIEDMAN DUMAS & SPRINGWATER LLP

17 By:

18 
Ellen Friedman
Attorneys for Defendants
BILLIE Z. SALEVOURIS, individually and as trustee
for THE BILLIE SALEVOURIS TRUST DATED
AUGUST 23, 1983 AS RESTATED ON MAY 24,
2002; DAVID M. RAYNAL, individually and as trustee
for the DAVID M. RAYNAL REVOCABLE TRUST
DATED MAY 9, 2002; RALPH DAYAN, individually
and as co-trustee for the AMENDED AND RESTED
DAYAN FAMILY REVOCABLE TRUST DATED
DECEMBER 31, 1991

1 In accordance with the above Stipulation of Voluntary Dismissal With Prejudice
2 Pursuant to Rule 41(a),

3 **IT IS HEREBY ORDERED AS FOLLOWS:**

4 1. Plaintiff's complaint in the above-captioned action is DISMISSED in its
5 entirety, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure;
6 2. Plaintiff's claims are dismissed with prejudice;
7 3. Each side shall bear its own attorneys' fees and costs, and all parties waive
8 any right to seek attorneys' fees or costs incurred in connection with the above-captioned action.

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10 Dated: October 3, 2011

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12 Honorable Jeffrey S. White



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